

SA 4820. Mr. COTTON (for himself, Mr. MANCHIN, Mr. TUBERVILLE, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV, add the following:

Subtitle D—Extraction and Processing of Critical Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the “Restoring Essential Energy and Security Holdings Onshore for Rare Earths and Critical Minerals Act of 2021” or the “REEShore Critical Minerals Act of 2021”.

SEC. 1432. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **CRITICAL MINERAL.**—The term “critical mineral” has the meaning given that term in section 7002(a) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(a)).

(3) **DEFENSE MINERAL PRODUCT.**—The term “defense mineral product” means any product—

(A) formed or comprised of, or manufactured from, one or more critical minerals; and

(B) used in critical military defense technologies or other related applications of the Department of Defense.

(4) **PROCESSED OR REFINED.**—The term “processed or refined” means any process by which a defense mineral is extracted, separated, or otherwise manipulated to render the mineral usable for manufacturing a defense mineral product.

SEC. 1433. REPORT ON STRATEGIC CRITICAL MINERAL AND DEFENSE MINERAL PRODUCTS RESERVE.

(a) **FINDINGS.**—Congress finds that the storage of substantial quantities of critical minerals and defense mineral products will—

(1) diminish the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in procuring critical minerals and defense mineral products, the Secretary of Defense should prioritize procurement of critical minerals and defense mineral products from sources in the United States, including that are mined, produced, separated, and manufactured within the United States.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of the Interior, acting through

the United States Geologic Survey, and the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, the Secretary of Commerce, and the Director of National Intelligence, shall jointly submit to the appropriate congressional committees a report—

(A) describing the existing authorities and funding levels of the Federal Government to stockpile critical minerals and defense mineral products;

(B) assessing whether those authorities and funding levels are sufficient to meet the requirements of the United States; and

(C) including recommendations to diminish the vulnerability of the United States to disruptions in the supply chains for critical minerals and defense mineral products through changes to policy, procurement regulation, or existing law, including any additional statutory authorities that may be needed.

(2) **CONSIDERATIONS.**—In developing the report required by paragraph (1), the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Intelligence shall take into consideration the needs of the Armed Forces of the United States, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))), the defense industrial and technology sectors, and any places, organizations, physical infrastructure, or digital infrastructure designated as critical to the national security of the United States.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING CRITICAL MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

(a) **REPORT REQUIRED.**—Not later than December 31, 2022, the Secretary of Defense, after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report that includes—

(1) a review of the existing disclosure requirements with respect to the provenance of magnets used within defense mineral products;

(2) a review of the feasibility of imposing a requirement that any contractor of the Department of Defense provide a disclosure with respect to any system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the critical minerals used in the magnet were mined;

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized; and

(3) recommendations to Congress for implementing such a requirement, including methods to ensure that any tracking or provenance system is independently verifiable.

SEC. 1435. REPORT ON PROHIBITION ON ACQUISITION OF DEFENSE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

The Secretary of Defense shall study and submit to the appropriate congressional committees a report on the potential impacts of imposing a restriction that, for any contract entered into or renewed on or after December 31, 2026, for the procurement of a system the export of which is restricted or controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.), no critical min-

erals processed or refined in the People's Republic of China may be included in the system.

SEC. 1436. PRODUCTION IN AND USES OF CRITICAL MINERALS BY UNITED STATES ALLIES.

(a) **POLICY.**—It shall be the policy of the United States to encourage countries that are allies of the United States to identify alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern.

(b) **REPORT REQUIRED.**—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for critical minerals;

(2) assessing the likelihood of those countries identifying alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern or countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase critical mineral mining and production capabilities.

(c) **FOREIGN ENTITY OF CONCERN DEFINED.**—In this section, the term “foreign entity of concern” has the meaning given that term in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(6)).

SA 4821. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . MINORITY INSTITUTE FOR DEFENSE RESEARCH.

(a) **PLAN TO PROMOTE DEFENSE RESEARCH AT MINORITY INSTITUTIONS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall submit to the congressional defense committees a plan (in this section referred to as the “Plan”)—

(A) to promote defense research activities at minority institutions to elevate the defense research capacity of minority institutions; and

(B) for the establishment of the Minority Institute for Defense Research (in this section referred to as the “Consortium”).

(2) **ELEMENTS.**—The Plan shall include the following:

(A) An assessment relating to the engineering, research, and development capability, including the workforce, administrative support, and physical research infrastructure, of minority institutions and their ability to participate in defense research and engineering activities and effectively compete for defense research contracts.

(B) An assessment of the activities and investments necessary to elevate minority institutions or a consortium of minority institutions, including historically Black colleges and universities, to the level of R1 research institutions and increase their participation

in, and ability to effectively compete for, defense research and engineering activities.

(C) Recommendations relating to actions that may be taken by the Department of Defense, Congress, and minority institutions to establish the Consortium within 3 years.

(D) The specific goals, incentives, and metrics developed by the Secretary in subsection (c) to increase and measure the capacity of minority institutions to address the research and development needs of the Department.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall consult with such other public and private sector organizations as the Secretary considers appropriate.

(4) PUBLICLY AVAILABLE.—The Secretary shall post the Plan on a publicly available website of the Department.

(5) MINORITY INSTITUTION DEFINED.—In this subsection, the term “minority institution” means—

(A) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); or

(B) an accredited minority institution (as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)).

(b) ACTIVITIES TO SUPPORT RESEARCH AND ENGINEERING CAPACITY OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.—Subsection (c) of section 2362 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Developing the capability, including workforce, administrative support, and research infrastructure (including physical), of covered educational institutions to more effectively compete for Federal research and engineering funding opportunities.”

(c) INCREASING INCENTIVES FOR NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS TO COLLABORATE WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS OF HIGHER EDUCATION.—Subsection (d) of such section is amended—

(1) by striking “The Secretary of Defense may develop” and inserting “The Secretary of Defense shall—

“(1) develop”;

(2) in paragraph (1), as designated by paragraph (1), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(2) establish goals and incentives for each federally funded research and development center, science and technology reinvention laboratory, and university-affiliated research center funded by the Department of Defense to increase and measure the capacity of covered educational institutions to address the research and development needs of the Department through partnerships and collaborations.”

(d) INCREASING PARTNERSHIPS FOR MINORITY INSTITUTIONS WITH NATIONAL SECURITY RESEARCH AND ENGINEERING ORGANIZATIONS.—Such section is amended—

(1) by redesignating subsections (e) and (f) as (f) and (g) respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) PARTNERSHIPS.—The Secretary of Defense shall—

“(1) require the core capabilities of each university-affiliated research center to include partnerships with covered educational institutions;

“(2) require in each indefinite delivery indefinite quantity established or renewed

with a university-affiliated research center to establish or maintain a partnership with a specific covered educational institution or consortium of covered educational institutions for the purpose of capacity building at such covered educational institution or covered educational institutions;

“(3) require each university-affiliated research center to report annually on their subcontracts and other activities with covered educational institutions; and

“(4) post on a publicly available website of the Department a list of covered educational institutions and their defense research capabilities.”

(e) DEFINITION OF UNIVERSITY-AFFILIATED RESEARCH CENTERS.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

“(f) DEFINITIONS.—In this section:

“(1) the term ‘covered educational institution’ means—

“(A) an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

“(B) an accredited postsecondary minority institution.

“(2) The term ‘university-affiliated research center’ means a research organization within an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that—

“(A) provides or maintains Department essential engineering, research, or development capabilities; and

“(B) receives sole source contract funding from the Department pursuant to section 2304(c)(3)(B) of this title.”

SEC. —. FUNDING FOR APPLIED AND ADVANCED TECHNOLOGY DEVELOPMENT AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS.

(a) ADDITIONAL FUNDING.—

(1) APPLIED RESEARCH.—(A) The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$10,000,000, with the amount of the increase to be available for Advancement of S&T Priorities (PE 0602251D8Z).

(B) The amount available under subparagraph (A) shall be available for minority institutions.

(2) ADVANCED TECHNOLOGY DEVELOPMENT.—(A) The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$10,000,000, with the amount of the increase to be available for Advanced Research (PE 0603180C).

(B) The amount available under subparagraph (A) shall be available for minority institutions.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2022 by section 301 for operation and maintenance is hereby decreased by \$20,000,000, with the amount of the decrease to be taken from amounts available as specified in the funding table in section 4301 for the Afghanistan Security Forces Fund, Afghan Air Force Sustainment.

(c) MINORITY INSTITUTION DEFINED.—In this subsection, the term “minority institution” means—

(1) a part B institution (as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); or

(2) an accredited minority institution (as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)).

SA 4822. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be

proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 853 and insert the following:

SEC. 853. DETERMINATION WITH RESPECT TO OPTICAL FIBER FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of the Cybersecurity and Infrastructure Security Agency, shall determine whether access, metro, and long-haul passive optical fiber and optical fiber cable that is manufactured or produced by an entity owned or controlled by the People's Republic of China pose an unacceptable risk to the national security of the United States or the security and safety of United States persons pursuant to section 2(b)(1) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(b)(1)).

(2) APPLICABILITY.—If the Secretary of Commerce makes a determination that any such optical fiber or optical fiber cable would pose an unacceptable risk to the national security of the United States or the security and safety of United States persons, and the Commission makes the determination required under section 2(b)(2) of the Secure and Trusted Communications Networks Act (47 U.S.C. 1601(b)(2)), the inclusion of such optical fiber and optical fiber cable on the covered communications equipment and services list shall apply only to such optical fiber or optical fiber cable deployed after such determination.

(b) NOTIFICATION REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall notify the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the findings of the review and determination required under subsection (a), publish the determination in the Federal Register, and submit that determination to the relevant Federal agencies, including the Department of Defense, the Cybersecurity and Infrastructure Security Agency, and the Federal Communications Commission.

(c) SAVINGS CLAUSE.—No determination made under section (a) shall impact the current filing and reimbursement process for the Secure and Trusted Communications Networks Reimbursement Program at the Federal Communications Commission.

(d) DEFINITIONS.—In this section:

(1) The term “access” means optical fiber and optical fiber cable that connects subscribers (residential and business) and radio sites to a service provider.

(2) The term “control” means the ability to determine the outcome of decision-making for a company through the strategic policy setting exercised by boards of directors or similar organizational governance bodies and the day-to-day management and administration of business operations as overseen by principals.

(3) The term “long haul” means optical fiber and optical fiber cable that connects cities and metropolitan areas.

(4) The term “metro” means optical fiber and optical fiber cable that connects city